

August 1, 2003

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WATER RIGHTS
SALT LAKE

Lee H. Sim, P.E. State Engineer
1594 West North Temple, Suite 220
P.O. Box 146300
Salt Lake City, Utah 84114

Dear Sir,

This letter is in response to Memorandum Decision, Amendatory Change
Application Number 25-9596 (a26634)

When I left the Feb. 23, 2001 meeting in the Logan office, I felt that it was a starting point in understanding the problem that we have. My purpose in writing this letter is to clear up some more confusion with the Obray Spring Stream. I would like to shed some more light on the subject. Of the four owners in the Obray Spring Stream, W.U.C. number 365, 1872, 826, and 2015, have a total yearly diversion acre feet of 157.65, acre feet. Of which number 1872 (White's Trout Farm), has a total yearly diversion of 29.94 acre feet. If my calculations are correction, this is 18.99% of the total yearly diversion acre feet. Based on our meeting held on Feb. 23, 2001, the Obray Spring Stream flows around 5 second feet. In the meeting you have given us a continual use of one second feet, which is only 20% of the flow.

We have a situation where White's Trout Farm owns about 20% of the yearly diversion acre feet, but receive 80% of the actual water from the Obray Spring Stream. The other three users (365, 2015, and 826), below White's, own about 80% of the yearly diversion acre feet, but are only allowed 20% of the actual water from this same stream.

For these reasons, I would like to request that a constant flow of 2.5 cubic feet per second to leave White's Trout Farm and be available for use by the other three owners of the water right.

After looking at the enclosed chart, I have found another interesting fact. It pertains to the flow in second feet. Claim 365, 2015, and 826 all have a flow of two second feet. Claim 1872, (White's), has a flow of one second feet. The Duty Acre Feet is three for all individuals. The filling dates are April 1st, 2nd, 3rd, and 4th of 1860. These are dates are in the same order as the location of the individuals property as the water flows down stream. I can think of a handful of reasons that they may have done this, but we can only speculate. The name of this water right is the Obray Spring Stream. We are not talking about one spring. This is a series of "springs" that make up the stream.

According to the chart, the three down stream users have more second feet flow than the first user. However, this is not what is taking place. Based on this fact, I do not feel that we are receiving our correct proportion. I feel that one second feet of continuous water and one second feet on call is not true to the original water filings.

Allowing two and a half second feet of water to leave White's Trout Farm from the O Bray Spring Stream, would allow the water to reach the Little Bear River and still be adequate for our needs.

An 18 inch Cipolletti Weir is currently in place, roughly 400 feet, down stream from White's Trout Farm and this has been operating since June of 2003. This will enable us to accurately measure the water.

Sincerely,



Greg Richman
7035 South Highway 165
Hyrum, UT 84319

CC Jerry D. Olds
Gred Hansen
Bob Fotheringham
Lee H. Sim